

BOARD OF COMMISSIONERS
HEARING DOCUMENT

Bi Annual Code



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DEPARTMENT OF
COMMUNITY DEVELOPMENT

**Planning Commission Recommendation
to the Board of County Commissioners**

TO: Clark County Board of Commissioners

FROM: Jeff Wriston, Chair, Clark County Planning Commission

DATE: September 5, 2006

SUBJECT: Bi-Annual Code Changes

by Patrick Lee

I. SUMMARY

Sixty one (61) code changes are presented. The Planning Commission recommends approval of all proposed changes.

II. PROCESS

Periodically staff "batch" minor amendments to the Clark County Code to correct scrivener's errors, clarify standards and codify interpretations of code language brought about by management decisions, hearings examiner or Board of Clark County Commissioners actions. Exhibit 1 is an index of potential changes.

Exhibit 2 is a draft adopting ordinance. Attachment "A" to this exhibit shows the proposed revisions. Language proposed to be ~~deleted~~ is struck-through. Language proposed to be added is double-underlined.

Exhibit 3 is the minutes of the August 17, 2006, planning commission public hearing on the proposed code changes.

This is an ongoing program. The need for some of the proposed clarifications was brought to staff's attention by customer inquiries. The Board of County Commissioners held a work session on July 19, 2006, and directed staff to proceed with the formal review process for these code changes.

A SEPA determination of non-significance was published on July 25, 2006. No comments were received within the comment period.

A Legal notice of the public hearing before the Board of Commissioners was published on September 4, 2006.

The Planning Commission held a public hearing on August 17, 2006. No parties submitted or presented testimony to the planning commission.

III. ANALYSIS

Should the code changes be approved, several sections of the Clark County Code will be revised, including:

- Title 2, Administration and Personnel;
- Title 5, Business Licenses and Regulations;
- Title 6, Application and Service Fees;
- Title 8, Animals;
- Title 9, Public Peace, Safety and Morals;
- Title 10, Vehicles and Traffic;
- Title 12, Streets and Roads;
- Title 13, Public Works;
- Title 14, Buildings and Structures;
- Title 15, Fire Prevention;
- Title 16, Boating;
- Title 24, Public Health;
- Title 32, Enforcement; and
- Title 40, Unified Development Code.

The first 51 of the proposed changes are true "clean-ups" in nature, correcting cross-references to various sections of the Clark County Code, updating names and addresses of various county departments, etc.

Proposed changes 52-56 were discussed at various Board of Commissioners work sessions over the past year.

Proposed changes 57-61 are of a minor policy nature.

IV. FISCAL IMPACT

The proposed code changes do not have a fiscal impact.

V. RECOMMENDATION

The Planning Commission recommends the Board of County Commissioners favorably consider all of the code change proposals.

Enclosures:

- Exhibit 1 – Bi-Annual Code Changes Index
- Exhibit 2 – Draft Adopting Ordinance
- Exhibit 3 – Planning Commission Minutes, August 17, 2006, public hearing

ORDINANCE NO. 2006 - -

WHEREAS, periodically, the county "batches" minor amendments to the Clark County Code to correct scrivener's errors, clarify standards and codify interpretations of code language brought about by management decisions, hearings examiner or Board of Clark County Commissioners actions.

WHEREAS, the required sixty day notification of intent to adopt this set of "Bi-annual Code Amendments was received the State Department of Community, Trade and Economic Development (CTED) on July 24, 2005, pursuant to RCW 36.70A.106;

WHEREAS, a SEPA determination of non-significance was published on July 25, 2006 and no comments were received during the comment period;

WHEREAS, a legal notice of the Clark County Planning Commission public hearing was published on August 2, 2006;

WHEREAS, the Planning Commission took public testimony on August 17, 2006, deliberated and developed their recommendation to the Board of County Commissioners;

WHEREAS, a legal notice of the Board of County Commissioner's public hearing was published on September 4, 2006.

WHEREAS, the Board of County Commissioners took public testimony on September 19, 2006, on the planning commission recommendation;

WHEREAS, the Board of County Commissioners finds these amendments in the public interest;

BE IT HEREBY ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY COMMISSIONERS, CLARK COUNTY, STATE OF WASHINGTON AS FOLLOWS:

Section 1. Amendatory.

Revisions to the Clark County Code contained in Attachment "A," enclosed herewith, are hereby adopted.

Section 2. Effective Date.

This ordinance shall take effect at midnight on the date of its adoption.

Section 3. Instructions to Clerk.

The Clerk of the board shall:

- 1) Transmit a copy of this ordinance to the Washington State Department of Community Trade and Economic Development within ten (10) days of its adoption, pursuant to RCW 36.70A.106;

- 2) Record a copy of this Ordinance with the Clark County Auditor; and
- 3) Cause notice of adoption of this ordinance to be published forthwith, pursuant to RCW 36.70A.290.

ADOPTED this ____ day of September, 2006.

Attest:

BOARD OF COMMISSIONERS
FOR CLARK COUNTY

Clerk to the Board

By: _____
Marc Boldt, Chair

Approved as to form only:
ARTHUR D. CURTIS,
Prosecuting Attorney

By: _____
Steven J. Stuart, Commissioner

Richard Lowry, WSBA #4894
Chief Civil Deputy

By: _____
Betty Sue Morris, Commissioner

SRIVENERS ERRORS

Title 2 – Administration and Personnel

1. Delete section 2.46.020.

The Fire Standards Advisory Board is no more. (Euler/Dunaway)

Chapter 2.46

FIRE STANDARDS ADVISORY BOARD

Sections:

~~2.46.010 Established—Membership.~~

~~2.46.020 Purpose—Guidelines.~~

2.46.010 Established—Membership.

~~A Clark County fire standards advisory board shall be established, said board to consist of five members, each to serve two-year terms and to be appointed by the board of county commissioners in total. (Res. (part) dated November 16, 1972)~~

2.46.020 Purpose—Guidelines.

~~The purpose of the fire standards advisory board is to assist the county in determining fire protection and water supply necessary for various rural densities and the board will operate in conjunction with the water guidelines adopted on November 16, 1972, in accordance with Section 17.20.170 (Res. (part) dated November 16, 1972)~~

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2. **Section 2.51.150 should be amended, as follows:** "The decision of the examiner shall be final and conclusive unless there is an appeal filed conforming to the requirements of Section 40.510.030(H) ~~40.100.050(A)~~ and ~~40.500.010(A)~~ and shall be accompanied by an appeal fee as set forth in Chapter 6.110A; 6.130; PROVIDED, that.....". (Euler/Code Publishing)
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Title 5 – Business Licenses and Regulations

3. Section 5.45.120 should be amended, as follows:

"(2) Additional Powers of the Responsible Official ~~Planning Manager~~. In addition to the duties set forth in this chapter, the responsible official ~~Planning Manager~~ shall have such powers as are necessary to determine the noncompliance of any business, whether or not duly licensed, with any provision of this chapter.

(3) Decisions of the Responsible Official ~~Planning Manager~~. Any determination by the responsible official ~~Planning Manager~~ authorized by this chapter shall constitute an administrative decision, subject to the provisions of Title 40 and Chapter 2.51 of this code." (Euler/Code Publishing)

4. Section 5.45.160 should be amended, as follows:

"(1)(b)(i) No additions or alterations to any approved floor plan, other than the removal of booths, rooms or partitions, may be made without the prior written approval of the responsible official ~~Planning Manager~~ upon written application...."

"(1)(b)(ii) Within twenty (20) working days of a technically complete application, the responsible official ~~Planning Manager~~ shall approve the revised...." (Euler/Code Publishing)

Title 6 – Application and Service Fees

5. Title 6, Fees – Correct typo for Table K.VI.c. Change "minor" to "major" home business. (Euler/M. Johnson)

Table 6.110A.010 Preliminary Plan Review Fees

Section			Activity	Fee
K			Home Business ⁴	
	I		Minor Urban and Rural Type I Review, and those with private road access/neighborhood agreement	90
	II		Minor Urban and Rural Type II Review with private road access/no neighborhood agreement	1,292
	III		Plus: Minor Home Business/Type I Review if application received after code enforcement action has been initiated	90
	IV		Major Urban Type II Review without private road access	564
	V		Major Urban Type II Review with private road access	1,292
	VI		Major Rural Type II Review (base fee):	564
		a	Plus: private road access	892
		b	Plus: activity area screening	392
		c	Plus: Minor Major Home Business/Type II Review if application received after code enforcement action has been initiated	564

6. Section 6.100.010 should be amended, as follows:

"This chapter establishes the applicable procedures for fees set forth in the following chapters:

6.110A 6.110 Development Engineering Fees

6.120 Fire Marshal Fees

~~6.130~~ Planning Fees

6.140 Building Fees

(Sec. 30 of Ord. 1997-12-46)"

References to Ord. 2001-12-09, which repealed Chapter 6.130 and created Chapter 6.110A, need to be added, but this should be done by Code Publishing.
(Euler/Code Publishing)

Title 8 – Animals

7. Section 8.07.110 should be amended, as follows:

- "(5) The name and address of the person designated by the applicant as agent for service of legal process or notice; and
- (6) A statement giving permission for the inspection of such facility at any reasonable time; ;
- ~~(7) A certificate of zoning compliance issued by the Clark County planning and zoning administrator pursuant to Chapter 18.506 of this code. (Sec. 1 of Res. 1981-04-108; amended by.....)" (Euler/Code Publishing)~~

Title 9 – Public Peace, Safety and Morals

8. Section 9.12.027 should be amended, as follows:

"6. These petitions shall be submitted during the month of March of every year, and include a nonrefundable application fee set forth in Chapter 6.110A ~~6.430~~.7. If the petition is scheduled for public hearing to amend this chapter, an additional fee set forth in Chapter 6.110A ~~6.430~~ shall be paid for purposes of posting and advertising..."

No such fees are listed, however, in Table 6.110A.010.

(Euler/Code Publishing)

9. Section 9.12.050 should be amended, as follows:

"(3) Any person or entity desiring an initial license for a shooting range shall apply to the Clark County ~~planning~~ community development department on a form supplied by it, accompanied by a nonrefundable fee set forth in Chapter 6.110A ~~6.430~~. The responsible official ~~planning director~~ shall forthwith...."

"(4) Applications for licenses shall be processed, and licenses may be revoked, in the same manner as conditional use permits under Chapters 2.51 and 40.520.030 of this code; PROVIDED, that private range licenses shall be initially processed in the same manner as uses permitted subject to review and approval by the responsible official ~~planning director~~ under Chapter 40.520.020 of this code...." (Euler/Code Publishing)

10. Section 9.14.015 should be amended, as follows:

"Where the phrase 'residential area' is used in the chapter, it shall include all single family residential districts, multi-family residential, and office residential uses ~~duplex residential districts, apartment residential districts, and apartment office districts~~ as defined in Clark County Code Sections 40.2210.010 and to 40.220.020. (Sec. 5 of Ord. 1991-11-09)" (Euler/Code Publishing)

11. Section 9.14.020 should be amended, as follows:

"...all other county departments and divisions, including the Clark County Public Health ~~Southwest Washington Health District~~, are authorized...." (Euler/Code Publishing)

Title 10 – Vehicles and Traffic

12. Section 10.08A.110 should be amended, as follows:

"All applications for special permits shall be filed at the Clark County department of public works ~~services~~ located at 1300 1408 Franklin or...."

"Applications for emergency closure trip permits shall be filed at the Clark County department of public works ~~services~~ located at 1300 4408 Franklin or...." (Euler/Code Publishing)

Title 12 – Streets and Roads

13. Section 12.20A.030 should be amended, as follows:
- "G. Clark County Code Chapter 13.12A---Underground Utility Permit..."
- "H. Clark County Code Title 36—Cable Television..." (Euler/Code Publishing)
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Title 13 – Public Works

14. Section 13.10.040 should be amended, as follows:
- "(1) Where a public sanitary sewer is not available under the provision of Chapter 40.370 ~~13.08A~~ of this code, title, the building sewer shall be connected to a private sewage disposal system.
- (2) Private sewage disposal systems shall comply with the applicable regulations established by the Clark County Public Health, ~~Southwest Washington Health District~~, an agency created..." (Euler/Code Publishing)
-

Title 14 – Buildings and Structures

15. Section 14.14A.030(4) should be amended, as follows:
- "....in accordance with and in the manner provided for in Section 109 ~~Sections 305 and 306~~ of the International ~~Uniform~~ Building Code." (Euler/Code Publishing)
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16. Chapter 14.20 should be amended, as follows:
- References to the "~~Southwest Washington Health District~~" and "~~Health-District~~" should be replaced with "Clark County Public Health." (Euler/Code Publishing)
-

17. Section 14.32A.230 should be amended, as follows:
- "2. Any proposed addition not structurally attached to a manufactured home, including but not limited to decks, stairs, ramps, carports, and walkways, shall be treated in all respects as activities governed by Chapter 14.05 ~~14.04~~ and the applicable portions of the International ~~Uniform~~ Building Code....." (Euler/Code Publishing)
-

Title 15 – Fire Prevention

18. Change terminology throughout this title from "~~uniform~~ fire code" to "international fire code." (Euler/Dunaway)
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Title 16 – Boating

19. Section 16.24.020 should be amended, as follows:

"Persons or organizations desiring to sponsor such events shall apply to the Vancouver-Clark Parks and Recreation department, located at 610 Esther St., 1408 Franklin Street, Vancouver, Washington at least...." (Euler/Code Publishing)

Title 24 – Public Health

20. Title 24 should be amended, as follows:

References to the "~~Southwest Washington Health District~~" and "~~Health District~~" should be replaced with "Clark County Public Health." (Euler/Code Publishing)

21. Section 24.12.180 should be amended, as follows:

"Except to the extent that such matters have previously been addressed in a conditional use permit issued pursuant to Chapter 40.520.030, ~~18.410~~, the Health Officer...." (Euler/Code Publishing)

22. Section 24.12.230 should be amended, as follows:

~~"(5) The bond may be combined with security required to be posted pursuant to Section 18.410.105 of this title. (Sec. 23 of Ord. 1978-02-01; amended by....)"~~
(Euler/Code Publishing)

Title 32 – Enforcement

23. Table 32.04.050 should be amended as follows:

In the 'Violation' column, "~~Home Occupation~~/Business/Occupation" (Euler/Code Publishing)

24. Section 32.04.055(2) should be amended, as follows:

"(d) The reverse side of the citation shall contain the following in a form substantially as follows:

ADMISSION

2. File an appeal by signing the REQUEST FOR APPEAL, and returning it to the Clark County Code Enforcement Office, 1300 1408 Franklin, 3rd Floor, PO Box 9810,...."
(Euler/Code Publishing)

Title 40 – Unified Development Code

25. 40.100.070 - Garden Shed should be amended, as follows:

A "garden shed" is a structure ~~less no more than one hundred twenty (120)~~ two hundred (200) square feet in floor area, designed to house garden tools or other horticultural products. A garden shed shall not be a place of human habitation, nor shall it be supplied with utilities such as plumbing or electrical service. ~~The total construction value of a garden shed may not exceed one thousand five hundred dollars (\$1500).~~ (Pierce/Lee)

26. Section 40.100.070 Hazardous Substances should be amended, as follows:

"Hazardous materials" or "hazardous substances" means such material as flammable solids; corrosive liquids; radioactive material; oxidizing material, highly toxic material; poisonous gases; reactive material; unstable material; hyperbolic material; pyrophoric material as defined in Chapter Article 2 of the International Uniform Fire Code; and substances, or mixture...." (Euler/Code Publishing)

27. Section 40.200.070(A)(4) should be amended, as follows:

~~"(b) Receipt for shed showing total construction costs which do not, with labor, exceed the monetary value listed in Section 14.04.125(12);~~

"Re-letter (c) through (g) as (b) through (f). (Euler/Code Publishing)

28. Section 40.230.010(D) should be amended, as follows:

"5. Site Plan Review Standards. In addition to the site plan approval criteria contained in Section 40.520.040(E) ~~40.520.020(E)~~, the following shall apply to...." (Euler/Code Publishing/Bazala)

29. Table 40.230.030-1, Uses in Employment Centers

Sections F and G need to be re-lettered to Sections D and E. In each column for Mobile Food Services, 72333, should be a 'P¹', similar to Food Service Contractors and Caterers. Cellular and other wireless communications, 513322, should be 'P/C⁴' in each column. In 'Notes' (at the end), Footnote 4 should read: "~~4 (Reserved for future use).~~ See Table 40.260.250-1." (Euler/Code Publishing)

Table 40.230.030-1. Uses				OC	BP
1997 North American Industrial Classification System (NAICS)					
A. Resource Uses.					
B. Manufacturing Uses: See footnote 5.					
C. Transportation, Storage, and Utilities: See Footnote 5.					
F <u>D</u> . Services.					
		513322	Cellular and other wireless communications	<u>P/C⁴</u>	<u>P/C⁴</u>
		72233	Mobile food services	<u>P¹</u>	<u>P¹</u>
G <u>E</u> . Other Uses Not Listed as NAICS Codes.					

⁴ ~~(Reserved for future use).~~ See Table 40.260.250-1.

30. Section 40.230.030(D)(6) should be amended, as follows:

"k. Required setbacks adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or ~~live ground cover~~. Allowed uses in these areas are bikeways, pedestrian paths and water quality facilities."

(Added language was adopted in Ord. 2004-09-02) (Euler/Code Publishing)

31. Section 40.230.050(C)(4) should be amended, as follows:

- "g. All mechanical and ventilating equipment shall be visually screened as required in Section 40.320.010(D)(2) ~~40.320.010(C)(5)~~, as approved in the site plan review process."
- "h. Exterior lighting shall be installed to avoid disruption to abutting properties and to avoid traffic safety hazards as required in Section 40.570.080(C)(3)(i) ~~40.320.010(C)(5)~~, as approved in the site plan review process." (Euler/Code Publishing)

32. Section 40.230.070 should be amended, as follows:

- "B. Uses. The uses set out in Table 40.230.070-1 are examples of uses allowable in various urban holding resource zone districts. The appropriate review authority is mandatory." (Euler/Code Publishing)

33. Table 40.230.080-1 Uses. Delete second reference to '32512 Industrial gas manufacturing'. (Euler/Code Publishing)

Table 40.230.080-1. Uses				ML	MH
1997 North American Industrial Classification System (NAICS)					
325	Chemical manufacturing			X	P
	3251			X	P
		Petrochemical manufacturing		X	P
		Industrial gas manufacturing		X	P
--	-	Industrial gas manufacturing		X	P
		Synthetic dye and pigment manufacturing		X	P

34. Section 40.260.220 Temporary Uses is amended as follows:

"Prior to granting a temporary permit under this section, other than Section 40.260.220(A)(8), the responsible official shall require that the applicant shall provide cash or surety bond of not less than one thousand dollars (\$1,000), nor more than two thousand five hundred dollars (\$2,500), payable to the County Treasurer Community Development Department. Upon the expiration of the temporary permit..." (Butts)

35. Section 40.260.250(F)(2), Wireless Communication Facilities is amended as follows: (Brooks, Euler)

"F. Design Standards.

2. Setbacks.

- a. All new support towers in rural areas shall maintain a setback as described below in ~~Section 40.260.250(F)(2)(a) or (b)~~, whichever is greater:

(1) A minimum 50-foot setback from the property line of the parent parcel or from a right-of-way line; or

- (2) A distance equal to or greater than the total tower height from the nearest residence."

36. Section 40.260.250(G)(3), Wireless Communications Facilities is amended as follows:

"G. Permit Process.

3. Neighborhood Meeting.

- a. The applicant shall hold a neighborhood meeting no more than 90 days prior to the submission of a Type III application for a new support tower. The sole purpose of the neighborhood meeting is to exchange information on the siting and design of the new support tower, and should be scheduled to allow maximum flexibility for review of issues and alternatives prior to the application. The neighborhood meeting shall be held at a location within a reasonable distance of the proposed development site on a weekday evening at a reasonable time. A pre-application conference is not a substitute for the required neighborhood meeting."

37. Table 40.310.010-1 should be amended, as follows:
(Euler/Code Publishing)

Table 40.310.010-1. General Sign Standards for All Zoning Districts			
Sign Type	Number of Signs Allowed on Premises	Maximum Area	Maximum Height
Temporary Real Estate ¹	1 sign at each entrance of officially recorded plat	32 square feet per sign	None
Permanent Gate or Entrance Structure Sign ²	2 signs	32 square feet per sign	None
Restricting Use of Property ³	Unlimited along boundary	2 square feet per sign	None
	1 sign at tract entrance	16 square feet for entrance sign	
Institutional ⁴	No maximum number, but signs must identify the type of institution or related buildings	128 square feet per sign	None
	1 bulletin board	32 square feet	
Entrance/Exit/Parking/Traffic Identifying ⁵	Unrestricted	8 square feet	8 feet
Temporary General (must get temporary permit) ⁶	Unrestricted	32 square feet	None
Off-Premises Directional (by conditional use) ⁷	Unrestricted (needs footnote)	32 square feet	None

Construction Site Temporary ⁸	1 sign	32 square feet	None
On-Premises Directional ⁹	Unrestricted	32 square feet	8 feet

¹ For the purpose of advertising a real estate subdivision.

² For the purpose of advertising a subdivision, range, estate, or farm.

³ For the purpose of restricting the use of property.

⁴ For the purpose of identifying, or giving information pertaining to, a public or semipublic institution.

⁵ For the purpose of identifying the entrance, exit, traffic direction, and parking facilities of public or private property in premises.

⁶ For the purpose of endorsing political candidates and ballot propositions, and advertising fairs, rodeos, or similar temporary activities. Such signs shall be removed by the permittee within fifteen (15) days following cessation of the activities for which the application was made.

⁷ For the purpose of giving directions, off-premises signs may be permitted subject to a conditional use permit specifying size, location and design.

⁸ For the purpose of identifying the architect, engineer or contractor of work under construction.

⁹ For the purpose of informing and directing traffic.

38. Section 40.350.030(C)(3)(f) should be amended, as follows:

".... If any grading or filling to lots or other areas outside the streets is to be done which exceeds those amounts specified in Appendix J, Chapter 70, International Uniform Building Code, an overall grading plan...." (Euler/Code Publishing)

39. Section 40.380.060(D)(3)(d) should be amended, as follows:

"....and a post decision review in accordance with Section 40.520.060: 48.600.110;" (Euler/Code Publishing)

40. Section 40.380.060(E)(3)(b) should be amended, as follows:

"(12) Grading. Any grading to occur in conjunction with a development activity or development shall, in addition to requirements of this chapter, be designed in accordance with the requirements of Appendix J Chapter 33, Excavation and Grading of the International Uniform Building Code." (Euler/Code Publishing)

41. Section 40.380.060(F)(1) should be amended, as follows:

"b. Existing and proposed contours with a two (2) foot maximum contour interval, unless the responsible official determines that a lesser interval is sufficient to show drainage patterns. Grading shall conform to the requirements of Appendix J Chapter 33 of the International Uniform Building Code;" (Euler/Code Publishing)

42. Section 40.430.030(A) should be amended, as follows:

"...The pre-determination shall be binding on the responsible official for a period of three (3) years; provided, that such pre-determination shall be subject to administrative appeal upon its application in conjunction with a triggering application. The fee for a pre-determination is set forth in Chapter 6.110A, 6.130. A complete pre-determination" (Euler/Code Publishing)

43. Section 40.520.040(A)(4) should be amended, as follows:

"(c) Development exempt from review under Chapter 14.05, Sections 14.04.050 and 14.04.125." (Euler/Code Publishing)

44. Section 40.520.050(B)(1) should be amended, as follows:

~~"(f) Applicant certification that the information submitted is correct and the sign will not block any existing solar feature pursuant to Clark County Code Section 18.409.095."~~
(Euler/Code Publishing)

45. Section 40.540.040, Subdivisions – Correct misreference to a Type II process for subdivision vesting as follows. (Bazala/Butts)**"40.540.040 Subdivisions****A. Pre-Application Submittal Requirements.**

4. Information not provided on the form shall be provided on the face of the preliminary plat, in an environmental checklist or on other attachments. The responsible official may modify or waive requirements for pre-application materials and may conduct a pre-application review with less than all of the required information. However, failure to provide all of the required information may prevent the responsible official from identifying all applicable issues or providing the most effective pre-application review will preclude the application from contingent vesting pursuant to Section 40.510.0230(G)."
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46. Section 40.560.010, Plan and Code Amendments – Correct the code cross-reference in 40.560.010(L)(3)(d) as follows: (Euler/Code Publishing)

"d. The board may waive the criteria in Sections 40.560.010(L)(K)(3)(a) or (L)(K)(3)(b) upon finding that:"

47. Section 40.570.080(C)(3)(a) should be amended, as follows:

"(3) Chapter 14.05, 14.04 Uniform Building Code (UBC), and Section 106, Chapters 16 and 18, and Appendix J of the International Building Code; and Section 106 (Permits/Submittal documents), UBC Sections 1624-1633 (Earthquake Regulations),

UBC Chapter 18 (Excavations & Foundations) and UBC Chapter 33 (Excavations & Grading);" (Euler/Code Publishing)

48. Section 40.570.080(C)(3)(e) should be amended, as follows:

"(2) Chapter 51-11 WAC, 14.28, Washington State Energy Code;" (Euler/Code Publishing)

49. Section 40.570.080(C)(3)(k)(5) should be amended, as follows:

"(a) Chapter 14.05, 14.04, International Building Code, Section 14.04.020 and IBC UBC Sections 106 and 3407, 106.1 and 3403.5." (Euler/Code Publishing)

50. Section 40.610.020 Definitions, the definition of Applicable Development should be amended, as follows:

"...approval therefore is required pursuant to ~~Clark County Code~~ Chapter 14.05 14.04 (International Building Code), Chapter 14.32A...." (Euler/Code Publishing)

51. Section 40.610.020 Definitions, the definition of Building Permit should be amended, as follows:

"...required for new construction and additions pursuant to Chapter 14.05 14.04 or Chapter 14.32A...." (Euler)

PRIOR BOARD OF COMMISSIONERS DIRECTION

Title 9 – Public Peace, Safety and Morals (Higbie, Sheriff's Office)

52. 9.12.026 Maps—Absolute restriction upon use of firearms and bows and arrows—Airguns, shotguns, muzzle loaders, and bows and arrows only.

(1) Maps dated December 6, 1995, depicting areas where there is an absolute restriction upon the use of firearms and bows and arrows ("no shooting" areas) and where airguns, shotguns, muzzle loaders, and bows and arrows only may be fired ("limited shooting" areas) are adopted, and certified copies thereof are filed with the Clark County auditor. Where boundaries of no shooting or limited shooting areas are roadways, the whole of the roadway is within the no shooting or limited shooting area.

(2) For clarification:

(A) The following is a legal description of the proposed east boundary of the Vancouver Lake Lowlands limited shooting area:.....

(B) The following is a legal description of the LaCamas Creek "no shooting"/"limited shooting" boundary:.....

(C) The following areas adopted as a part of the County Comprehensive Growth Management Plan are designated "no shooting" areas:

- (1) Unincorporated areas within adopted urban growth boundaries.
- (2) Unincorporated areas within adopted rural center boundaries.

Rationale:

The Sheriff's office recommends that extending the no shooting zone to include the more densely populated areas of the county will enhance public safety.

Title 14 – Buildings and Structures

- 53. 14.05.9000.J103.2 Grading—Permit exemption: J103.2.1 of the IBC shall be amended as follows: (Carson/M. Anderson/Muir)**

J103.2 Exemptions. A grading permit shall not be required for the following:

- ~~1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.~~
- 2 1. Excavation for construction of a structure permitted under this code.
- 3 2. Cemetery graves.
- 4 3. Refuse disposal sites controlled by other regulations.
- 5 4. Excavations for wells, or trenches for utilities.
- 6 5. Mining, quarrying, excavating, processing, stockpiling rock, sand, gravel, aggregate, or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
- 7 6. Exploratory excavations performed under the direction of a registered design professional. The phrase was added to assure that the "exploratory excavation" is not to begin construction of a building prior to receiving a permit for the sole purpose of preparing a soils report.
- 8 7. An excavation that (1) is less than 2 feet in depth at its deepest point of excavation; or (2) does not create a cut slope greater than 5 feet in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).
- 9 8. A fill that (1) is less than 1 foot in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope); or (2) is less than 3 feet in depth at its deepest point. In either case, the fill must not be intended to support structures, must not exceed 50 cubic yards on any one lot, and must not obstruct a drainage course.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(Sec. 3 (Exh. B) of Ord. 2004-06-04)

Rationale:

The proposed changes reflect discussion at the February 15, 2006, and July 19, 2006, work sessions and clarifies grading permit exemption language.

Title 40, Unified Development Code

54. Section 40.100.070 Grading Permit should be amended, as follows: (Carson/M. Anderson/Muir)

" 'Grading permit' means the permit required under Appendix J Chapter ~~33~~ of the International Uniform Building Code."

Rationale:

At the February 15, 2006, work session, commissioners pointed out that while grading permit requirements are addressed in Title 14, Appendix J to the International Building Code, all other common land use permits are addressed in Title 40. Inserting the definition is intended to alert applicants to review Appendix J for grading permit requirements.

55. Table 40.350.030-4, Street and Road Standards (Wright, Capell)

B.3. Transportation Design Criteria. The design criteria set out in Table 40.350.030-2 through 40.350.030-6 are adopted as a portion of the Clark County standard specifications. Such criteria are applicable to roads located within and adjacent to a development. These criteria are intended for normal conditions. The responsible official may require higher standards for unusual site conditions.

Table 40.350.030-4. Design Criteria For Urban Access Roads								
Design Criteria	Neighborhood Circulator ⁷ Drawing 13	Local Residential Access ⁷ Drawing 14	Residential Loop ⁷ Drawing 15	Cul-de-Sac ^{1,7} Drawings 15 & 28	Short Cul-de-Sac ^{2,7} Drawings 16 & 29	Alley ^{3,7} Drawing 19	Infill A Roadway ^{4,7,11} Drawing 17	Infill B Private Roadway ⁷ Drawing 18
Minimum Right-of-Way (ft.)	54	46	46	46	42	26	25	20
Lane Width (ft.)	2 lanes 10 ft. ea.	1 lane 12 ft. ea.	1 lane 10 ft. ea.	1 lane 10 ft. ea.	1 lane 10 ft. ea.	1 lane 20 ft. ea.	2 lanes 10 ft. ea.	1 lane 12 ft. ea.
Parking Lane Width (ft.) one or both sides	8 both sides	8 both sides	8 both sides	8 both sides	7 both sides	N/A N/A	N/A N/A	N/A N/A
Roadway Width (ft.) ⁵	36	28	26	26	24	20	20	12
Design Speed (MPH)	25	25	25	25	25	N/A	N/A	N/A
Maximum Grade (%)	15	15	18	18	18	18	18	18
Minimum Centerline	150	70 ⁶	70 ⁶	70 ⁶	70 ⁶	N/A	N/A	N/A

Radius (ft.)								
Maximum Number of Houses	300	150	100	N/A	18	N/A	8 Lots	4 Lots ¹²
Sidewalks (both sides) (ft.)	5	5	5	5	5	N/A	N/A	N/A
Curb and Gutter ⁸	18 in. C&G	18 in. C&G	18 in. C&G	18 in. C&G	18 in. C&G	N/A	N/A	N/A
Minimum Intersection Curb Return Radii (ft.) ⁹	25	25	20	20	20	N/A	N/A	N/A
Min. Full Access Intersection spacing (ft) ¹⁰	150	100	100	100	100	100	N/A	N/A
Public/Private	Public	Public	Public	Public	Public	Public	Public/Private	Private
Frontage Access	Yes	Yes	Yes	Yes	Yes	N/A	N/A	N/A

¹ Cul-de-sac minimum R/W radius is fifty (50) feet with a constructed forty-five (45) foot radius – OR – minimum R/W radius is forty (40) feet with constructed thirty-five (35) foot radius and rolled curb and gutter with thickened sidewalk construction in accordance with a standard drawing provided by the responsible official.

² Short cul-de-sac minimum R/W is thirty-five (35) foot radius with a constructed thirty (30) foot radius.

³ Twenty (20) foot unobstructed width.

⁴ Public Works director may approve the use of public infill A for new subdivisions with design limitations or peculiar terrain or parcel configuration when constructed with Portland cement concrete.

⁵ Neighborhood circulator includes two (2) eight-foot parking lanes.

⁶ Except for where the curb is between eighty (80) to one hundred ten (110) degrees, a minimum thirty-five (35) foot radius may be used.

⁷ All stubbed public roads greater than one hundred fifty (150) feet serving four (4) or more lots shall provide a forty-five (45) foot minimum radius temporary turnaround or other approved turnaround.

⁸ Vertical curb required. and ~~Roller curb also acceptable~~ allowed only on cul-de-sac bulbs and "Standard Detail Infill A" roadways with attached or detached sidewalks

⁹ Intersections with arterials require thirty-five (35) foot radii.

¹⁰ Ten (10) foot maximum off-set may be allowed.

¹¹ Infill developments only: Infill Road A and Infill Private Road B standards may be used in lieu of alley standards pursuant to Section 40.260.110

¹² One hundred fifty (150) foot maximum length.

Rationale:

The design criteria set out in Table 40.350.030-2 through -6 are adopted as components of the standard specifications. Table 40.350.030-4 includes footnotes #1 and #8 which authorize use of rolled curb. Standard Drawings 13 – 16 and Standard detail F18b also allows rolled curb. At the September 14, 2005 work session staff was directed to include the wording in the code describing when rolled curb is permitted. The above wording was discussed at the July 19, 2006, work session. Footnotes should be revised as accordingly and all applicable standard drawings/details revised.

56. Appeal Format 40.510.030(H)(2) Revise to be consistent with the new appeal format approved by the BOCC as follows: (Butts and Euler/Code Publishing)

- a. The project name;
- ab. The case number designated by the county and the name of the applicant;
- bc. The name of each petitioner, and signature of each petitioner and a statement showing that each petitioner is entitled to file the appeal under Section 40.510.020(E) 40.510.020 (H) or 40.510.030(H). If multiple parties file a single petition for review, the petition shall designate one (1) party as the contact representative for all contact with the responsible official. All contact with the responsible official regarding the petition, including notice, shall be with this contact representative.
- d. Introduction: This should include a brief history of the case, a chronology of dates of related applications, including case numbers, and a description of the proposal as it relates to the decision being appealed and a brief summary of the standards of review and alleged errors.
- e. Standard of Review: Describe in more detail what standard of review (i.e., board's discretion to reverse the examiner's decision) you believe applies to board's review of the alleged errors.
- ef. Alleged Errors/Response to Alleged Errors: Identify the specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error (i.e., reference the relevant exhibits and passages, court cases, etc.) A hearings examiner's procedural SEPA decision is final and not subject to further administrative appeal. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in Section 40.510.030(H)(3)(b)
- dg. The appeal fee adopted by the board; provided, the fee shall be refunded if the appellant files with the responsible official at least fifteen (15) calendar days before the appeal hearing a written statement withdrawing the appeal.

Rationale:

Ordinance no. 2005-04-12, revised the appeals process for hearings examiners decisions. The proposed changes seek to codify the preferred format that the Board suggested be used for appeal petitions.

MINOR POLICY ISSUES

Title 40, Unified Development Code

57. **40.100.070, Definitions – Add a definition of “developable area” as follows:**
(Colete Anderson)

Developable Area – “Developable area” means that portion of the site which is unencumbered by environmentally sensitive lands to be protected and their respective buffers, designated parks and open space, public right-of-way, and road easements.

Rationale:

This definition was included in the Mixed Use Ordinance. To ensure consistent interpretation, it makes sense to add an overall definition to Title 40.

58. **Amendments to Table 40.210.010-1, Resource and Rural District**
Uses are proposed as follows: (Carson)

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
7. Resource Activities.					
<u>p. Heliports, helipads and helispots used in conjunction with the resource activity</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>X</u>	<u>40.260.170</u>
8. Other.					
<u>f. Heliports, helipads and helispots</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>40.260.170</u>
<u>gf. Private use landing strips for aircraft</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>40.260.170</u>
<u>hg. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	
<u>ih. Temporary uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>40.260.220</u>

Rationale:

The proposed change clarifies that helicopter landing/take-off facilities are only allowed when associated with an agriculture or forest resource activity.

59. **40.210.030, Rural Center Residential Districts and 40.350.030, Street and Road Standards – (H. Hansen, supported by Capell/Butts).**

40.210.030, Rural Center Residential Districts

Amendments to section D, Development Standards are proposed as follows:

D. Development Standards.

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Table 40.210.030-2 and 40.210.030-3, subject to the provisions of Chapter 40.200, Section 40.350.030 and Section 40.550.020.

40.350.030, Street and Road Standards

Amendments to section A, Overview, and Tables 40.350.030-3 and 5 are proposed as follows:

8. Urban Reserve, Urban Holding Areas and Rural Centers.

- d. New developments within rural centers shall meet rural road standards; ~~provided, that a~~ All public and private roads, and all nonresidential private roads, shall be paved and constructed with detached sidewalks.

Table 40.350.030-3. Design Criteria for Rural Collectors		
Design Criteria	Major Collector Drawing 23	Minor Collector Drawing 24
Minimum Spacing	< 2 miles	< 2 miles
Minimum R/W (ft.) 2 lane	60	60
Lane Width (ft.) 2 lane	12	12
Median Width (ft.) 2 lane	N/A	N/A
Shoulder/Parking (ft.) 2 lane	8	8
Roadway Width (ft.) 2 lane	40	40
Design Speed (MPH) Flat	50	50
Rolling	40	40
Mountainous	30	30
Maximum Grade (%) Flat	6	6
Rolling	8	8
Mountainous	10	10
Minimum Centerline Flat	955	575
Radius (ft.) Rolling	560	440
Mountainous	410	300
Design Volume (ADT) 2 lane	10,000+	5,000
Minimum Full Access Intersection Spacing (ft.)	500	275
<u>Sidewalks (both sides) Curb and Gutter Required</u>	<u>N/A¹</u>	<u>N/A¹</u>
Minimum Radii (ft.)	35	35
Minimum R/W Radius Chord	25	25

¹ In Rural Centers, 18 (eighteen) inch curb and gutter and a concrete sidewalk at least six (6) feet wide is required.

Table 40.350.030-5. Design Criteria For Rural Access Roads				
Design Criteria	Private Road ¹ Drawing 27	Local Access Drawing 25	Loop Road Drawing 26	Cul-de-sac ² Drawings 26 and 30
Minimum R/W (ft.)	30' Easement	50 ³	46	42
Lane Width (ft.)	two 10' lanes	two 10' lanes	two 10' lanes	two 10' lanes
Paved Shoulders		2 (2')	2 (2')	2 (2')
Roadway Width (include shoulders) (ft.) ⁴	20	24	24	24
Design Speed (MPH)	25 ⁵	30	25	25
Maximum Grade (%)	18	15	18	18
Minimum Centerline Radius (ft.)	60	150	60	60
Maximum Length (ft.) ⁶	N/A	N/A	N/A	N/A
Intersection Minimum Spacing (ft.) ⁷	100	150	100	100
Design Volume (ADT)	500	2,000	500	250
Typical # Houses	50	200	50	25
Sidewalks (both sides) Curb and Gutter Required	N/A ⁸	N/A ⁸	N/A ⁸	N/A ⁸
Minimum Intersection Radii ⁸	25	25	20	20

¹ Private loop roads and cul-de-sacs may use public road standards for the respective categories except that the width of the road is twenty (20) feet.

² Cul-de-sac bulb minimum constructed radius is forty-five (45) feet with a fifty (50) foot right-of-way radius.

³ Within the "urban reserve" areas of the county, the right-of-way shall be fifty-four (54) feet.

⁴ Add ten (10) feet for bike lanes.

⁵ Design speed for Rural Private road may be reduced to twenty (20) miles per hour without road modification, if topography imposes severe restriction and has approval from the County Engineer.

⁶ The review authority may require a limitation to the length of a cul-de-sac or dead-end road in certain situations (see Section 40.350.030(B)(12)).

⁷ A ten (10) foot maximum off-set may be allowed.

⁸ Intersection of two (2) different street classifications shall use the larger intersection radius.

⁹ In Rural Centers, a detached, at grade paved (concrete or asphalt) walkway, at least six (6) feet wide is required.

Rationale:

The code requires developments in commercial, industrial, conditional use and public facility applications in Rural Centers to construct detached sidewalks. This requirement should also be extended to residential developments in Rural Centers.

60. Table 40.230.030-1, Office Campus and Business Park Uses

Amendments are proposed as follows: (Higbie)

				OC BP	
5311	Lessors of real estate		-	-	
-	-	53111	Lessors of residential buildings and dwellings	P	P
-	-	53112	Lessors of nonresidential buildings (except mini-warehouses)	P	P
-	-	53113	Lessors of mini-warehouses and self-storage units	P	P
-	-	53119	Lessors of other real estate property	P	P

Rationale:

Unanticipated uses are being proposed in the Business Park and Office Campus districts that are not appropriate for, or meet the purpose of, these zones. The 1997 NAICS describes 53111 as "...establishments primarily engaged in acting as lessors of buildings used as residences or dwellings" The category primarily manages their properties, although they can manage those of others. Residential uses are not desirable in OC/BP zones so deleting this use category precludes an applicant from construing this provision as allowing residential uses in the zone.

52113 is lessors of mini storage warehouses. Unfortunately, this is the only use category for this type of facility in NAICS. Generally, mini storage warehouses have their rental/leasing offices on premises. So, staff interpret this section of the county's development code as permitting mini-storage warehouses in BP/OC. Mini-storage uses are not consistent with the intent of the OC/BP districts.

53119 is described in 1997 NAICS as "...establishments primarily engaged in acting as lessors of real estate (except buildings), such as manufactured home (i.e. mobile home) sites, vacant lots and grazing land." Such uses are not desirable in OC/BP zones so deleting this use category precludes an applicant from construing this provision as allowing those uses.

61. 40.260.100, Home Business, and 40.550.020, Variances

Amendments to section A, Purpose, of the Home Business Ordinance and section A, Type I and II Variances, are proposed as follows: (Butts)

40.260.100, Home Businesses

A. Purpose.

The purpose of this section is to protect the integrity of zoning districts of Clark County while allowing the use of property for home businesses. This section establishes approval criteria and qualifying standards to ensure that home businesses are (1) conducted as lawful uses.....and (2) secondary to the use of the dwelling for living purposes.....

40.550.020, Variances

A. Type I and II (Administrative) Variances

1. The responsible official may grant a variance to numerical standards including but not limited to: setbacks, buffers, building height, landscaping, lot coverage, lot dimensions, and parking standards but not including lot area, density or qualifying standards for programs such as infill, home businesses or density transfer as provided in this title.

Rationale:

Under Section 40.550.020 Variances (A) (1.), administrative variances may be granted to numerical standards provided the standards are not "...qualifying standards..." The proposal clarifies that standards under the Home Business provisions of Section 40.260.100, such as the maximum square footage of a residence than can be used for home business areas, maximum size of outdoor activity areas, maximum number of employees allowed on premises, number of heavy equipment vehicles allowed are qualifying standards. A property owner is not eligible to consider a business in a residence a home business if these standards are exceeded.
